

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE**

<b>TEKLINKS, INC.,</b>	)	<b>CIVIL ACTION NO. 3:15-cv-908</b>
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>PRESYS DATA, LLC,</b>	)	
	)	
<b>Defendant.</b>	)	
	)	

**AFFIDAVIT OF ROBERT K. MILLS**

STATE OF ALABAMA            )  
  )  
COUNTY OF JEFFERSON        )

The undersigned, Robert K. Mills, being first duly sworn, hereby deposes and states the following:

1. I am over the lawful age of twenty-one (21) years.
2. I am the Chief Financial Officer of TekLinks, Inc. ("Plaintiff"). In my capacity with Plaintiff, I am familiar with the invoices involving PreSys Data, LLC ( "Defendant"), which are the subject matter of this lawsuit. I have personal knowledge of the facts set forth in this affidavit. I am providing this affidavit in support of Plaintiff's Motion for Summary Judgment (the "Motion").
3. On or about December 16, 2014; March 3, 2015 and April 20, 2015, Plaintiff provided, at Defendant's request, certain goods and services (collectively, the "Products") to Defendant at 101 Forrest Crossing Blvd, Suite 107, Franklin, Tennessee 37064 and 103 Confederate Drive, Suite 2, Franklin, Tennessee 37064, as demonstrated by and more specifically described in multiple invoices dated December 16, 2014 through April 20, 2015 (collectively, the

“Invoices”), which Plaintiff has previously delivered to Defendant. True and correct copies of the Invoices are attached hereto as Exhibit A.

4. On June 10, 2015, Plaintiff sent a letter to Defendant demanding payment in full of all amounts owed under the Invoices (the “Demand Letter”). A true and correct copy of the Demand Letter is attached hereto as Exhibit B.

5. Defendant has refused and/or failed to make any payments to Plaintiff on the amounts owed under the Invoices, after demand.

6. As of October 6, 2015, after applying all credits due under the Invoices, the total amount owed under the Invoices is \$416,234.78, plus interest at the rate of 1.5% per month, which continues to accrue (the “Indebtedness”).

7. I have personal knowledge of the foregoing facts, and based upon that personal knowledge, the foregoing facts are true and correct.

(Signature Page to Follow)


FURTHER AFFIANT SAYETH NOT.

  
Robert K. Mills

STATE OF ALABAMA                    )  
  )  
COUNTY OF                            )

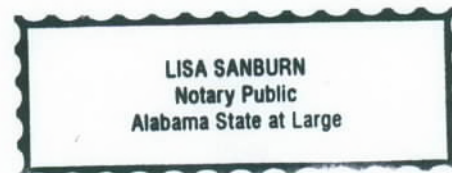
I, the undersigned authority, a Notary public in and for said County and State, hereby certify that Robert K. Mills, whose name is signed to the foregoing instrument and who is known to me, acknowledge before me on this day that, being informed of the contents of said instrument, he certifies that said contents are true and correct and that he executed the same voluntarily on the day the same bears date.

Sworn to and subscribed before me this the 6<sup>th</sup> day of October, 2015.

  
\_\_\_\_\_  
NOTARY PUBLIC

(AFFIX SEAL)

My commission expires: \_\_\_\_\_  
MY Commission Expires  
July 24, 2019



**EXHIBIT A**

**[Invoices]**

# Invoice



Page 1/1  
Invoice 59284  
Date 4/20/2015

TekLinks, Inc.  
Remittance Address:  
PO Box 830674 MSC #703  
Birmingham, AL 35283

**Bill To:** PreSys Data, LLC  
101 Forrest Crossing Blvd  
Suite 107  
Franklin TN 37064

**Ship To:** PreSys Data, LLC  
101 Forrest Crossing Blvd  
Suite 107  
Franklin TN 37064

Purchase Order No.		Customer ID		Salesperson ID	Shipping Method	Payment Terms	
PO 10103		PRESYSDATALL001		MIBULTER	MANUF PREFERRED	Net 30	
Ordered	Shipped	Item Number	Description			Unit Price	Ext. Price
3	3	WS-C3850-12S-S	Cisco Catalyst 3850 12 Port GE SFP IP Bas			\$4,597.70	\$13,793.10
3	3	CON-SNT-WSC3851S	SMARTNET 8X5XNBD Cisco Catalyst 3850 12 P			\$517.24	\$1,551.72
3	3	CAB-TA-NA	North America AC Type A Power Cable			\$0.00	\$0.00
3	3	S3850UK9-33SE	CAT3850 Universal k9 image			\$0.00	\$0.00
3	3	STACK-T1-50CM	50CM Type 1 Stacking Cable			\$0.00	\$0.00
3	3	CAB-SPWR-30CM	Catalyst 3750X and 3850 Stack Power Cable			\$0.00	\$0.00
3	3	C3850-NM-BLANK	Cisco Catalyst 3850 Network Module Blank			\$0.00	\$0.00
3	3	PWR-C1-350WAC	350W AC Config 1 Power Supply			\$0.00	\$0.00
3	3	PWR-C1-BLANK	Config 1 Power Supply Blank			\$0.00	\$0.00
26	26	WS-C2960X-24PS-L	Catalyst 2960-X 24 GigE PoE 370W, 4 x 1 G			\$1,468.97	\$38,193.22
26	26	CON-SNT-WSC224SL	SMARTNET 8X5XNBD Catalyst 2960-X 24 G			\$165.52	\$4,303.52
26	26	CAB-16AWG-AC	AC Power cord, 16AWG			\$0.00	\$0.00

AAAQ80593

Subtotal	\$57,841.56
Misc	\$0.00
Tax	\$5,398.35
Freight	\$518.62
Trade Discount	\$0.00
<b>Total</b>	<b>\$63,758.53</b>

Remittance Address: PO Box 830674 MSC #703  
Birmingham, AL 35283

TekLinks, Inc 201 Summit Parkway Birmingham, AL 35209  
205.314.6600  
[www.teklinks.com](http://www.teklinks.com)

\*\*\*Please note that interest will be calculated at 1.5% per month for any past due invoices\*\*\*

# Invoice

# TEKLINKS

Page 1/1  
Invoice 58695  
Date 3/3/2015

TekLinks, Inc.  
Remittance Address:  
PO Box 830674 MSC #703  
Birmingham, AL 35283

**Bill To:** PreSys Data, LLC  
103 Confederate Drive  
Suite 2  
Franklin TN 37064

**Ship To:** PreSys Data, LLC  
103 Confederate Drive  
Suite 2  
Franklin TN 37064

Purchase Order No.		Customer ID	Salesperson ID	Shipping Method	Payment Terms	
APPROVED EDWIN		PRESYSDATA001	MIBULTER	MANUF PREFERRED	Net 30	
Ordered	Shipped	Item Number	Description	Unit Price	Ext. Price	
6	6	WS-C3850-24S-S	Cisco Catalyst 3850 24 Port GE SFP IP Bas	\$8,695.65	\$52,173.90	
6	6	CON-SNT-WSC3854S	SMARTNET 8X5XNBD Cisco Catalyst 3850 24 P	\$978.26	\$5,869.56	
6	6	CAB-TA-NA	North America AC Type A Power Cable	\$0.00	\$0.00	
6	6	S3850UK9-33SE	CAT3850 Universal k9 image	\$0.00	\$0.00	
6	6	STACK-T1-50CM	50CM Type 1 Stacking Cable	\$0.00	\$0.00	
6	6	CAB-SPWR-30CM	Catalyst 3750X and 3850 Stack Power Cable	\$0.00	\$0.00	
6	6	C3850-NM-BLANK	Cisco Catalyst 3850 Network Module Blank	\$0.00	\$0.00	
6	6	PWR-C1-350WAC	350W AC Config 1 Power Supply	\$0.00	\$0.00	
6	6	PWR-C1-BLANK	Config 1 Power Supply Blank	\$0.00	\$0.00	
6	6	WS-C3850-12S-S	Cisco Catalyst 3850 12 Port GE SFP IP Bas	\$4,347.83	\$26,086.98	
6	6	CON-SNT-WSC3851S	SMARTNET 8X5XNBD Cisco Catalyst 3850 12 P	\$489.13	\$2,934.78	
6	6	CAB-TA-NA	North America AC Type A Power Cable	\$0.00	\$0.00	
6	6	S3850UK9-33SE	CAT3850 Universal k9 image	\$0.00	\$0.00	
6	6	STACK-T1-50CM	50CM Type 1 Stacking Cable	\$0.00	\$0.00	
6	6	CAB-SPWR-30CM	Catalyst 3750X and 3850 Stack Power Cable	\$0.00	\$0.00	
6	6	C3850-NM-BLANK	Cisco Catalyst 3850 Network Module Blank	\$0.00	\$0.00	
6	6	PWR-C1-350WAC	350W AC Config 1 Power Supply	\$0.00	\$0.00	
6	6	PWR-C1-BLANK	Config 1 Power Supply Blank	\$0.00	\$0.00	

AAAQ78868

Subtotal	\$87,065.22
Misc	\$0.00
Tax	\$8,077.34
Freight	\$257.04
Trade Discount	\$0.00
<b>Total</b>	<b>\$95,399.60</b>

Remittance Address: PO Box 830674 MSC #703  
Birmingham, AL 35283

TekLinks, Inc 201 Summit Parkway Birmingham, AL 35209  
205.314.6600  
[www.teklinks.com](http://www.teklinks.com)

\*\*\*Please note that interest will be calculated at 1.5% per month for any past due invoices\*\*\*



# Invoice

# TEKLINKS

Page 1/1  
Invoice 57768  
Date 12/16/2014

TekLinks, Inc.  
Remittance Address:  
PO Box 830674 MSC #703  
Birmingham, AL 35283

**Bill To:** PreSys Data, LLC  
103 Confederate Drive  
Suite 2  
Franklin TN 37064

**Ship To:** PreSys Data, LLC  
103 Confederate Drive  
Suite 2  
Franklin TN 37064

Purchase Order No.		Customer ID	Salesperson ID	Shipping Method	Payment Terms	
10045		PRESYS DATA L001	MIBULTER	MANUF PREFERRED	Net 30	
Ordered	Shipped	Item Number	Description	Unit Price	Ext. Price	
1	1	COMMENT	PRESYS DATA - MALL PROJECT	\$0.00	\$0.00	
1	1	COMMENT	SHIP SET ONE	\$0.00	\$0.00	
118	118	WS-C2960X-24PS-L	Catalyst 2960-X 24 GigE PoE 370W, 4 x 1G	\$1,423.86	\$168,015.48	
118	118	CON-SNT-WSC224SL	SMARTNET 8X5XNBD Catalyst 2960-X 24 G	\$156.52	\$18,469.36	
118	118	CAB-ACS	AC Power Cord (Switzerland), C13, IEC 608	\$0.00	\$0.00	
212	212	GLC-SX-MMD=	1000BASE-SX SFP transceiver module, MMF,	\$222.83	\$47,239.96	
22	22	C1-C4500X-16SFP+	Cisco ONE Catalyst 4500-X 16 Port 10G IP	\$7,130.43	\$156,869.46	
22	22	CON-SNT-45X16SFP	SMARTNET 8X5XNBD C1 Cat 4500-X 16 Port 10	\$1,095.65	\$24,104.30	
22	22	C4KX-PWR-750AC-R	Catalyst 4500X 750W AC front to back cool	\$891.30	\$19,608.60	
22	22	C1FAPCAT4500X	Cisco ONE Foundation Perpetual Cat4500X S	\$80.22	\$1,764.84	
22	22	C4KX-NM-BLANK	Catalyst 4500X Network Module Blank	\$0.00	\$0.00	
22	22	C4KX-PWR-BLANK	Catalyst 4500X power supply Blank	\$0.00	\$0.00	
22	22	C1-PI-LFAS-4K6K-K9	Cisco ONE PI Device License for LF & AS f	\$0.00	\$0.00	
22	22	CAB-US515-C15-US	NEMA 5-15 to IEC-C15 8ft US	\$0.00	\$0.00	
22	22	S45XUK9-34-1512SG	CAT4500-X Universal Crypto Image	\$0.00	\$0.00	

AAAQ74685

Subtotal	\$436,072.00
Misc	\$0.00
Tax	\$40,453.86
Freight	\$1,266.37
Trade Discount	\$0.00
<b>Total</b>	<b>\$477,792.23</b>

Remittance Address: PO Box 830674 MSC #703  
Birmingham, AL 35283

TekLinks, Inc 201 Summit Parkway Birmingham, AL 35209  
205.314.6600  
www.teklinks.com

\*\*\*Please note that interest will be calculated at 1.5% per month for any past due invoices\*\*\*

**EXHIBIT B**

**[Demand Letter]**



June 10, 2015

**VIA FEDERAL EXPRESS**

PreSys Data, LLC  
Attn: Jim Adams  
103 Confederate Drive, Suite 2  
Franklin, Tennessee 37064

**Re: Balance Due TekLinks, Inc. ("TekLinks")**

Dear Mr. Adams:

This law firm has been retained by TekLinks to assist it in collecting the outstanding amounts owed by PreSys Data, LLC ("PreSys") to TekLinks with regard to the invoices listed on the enclosed schedule. As you will see from your review of the enclosed schedule, the total amount due from PreSys to TekLinks as of the date of this letter is \$563,861.67, including amounts that have been due since January 1, 2015. Interest will continue to accrue on the outstanding balance until paid in full.

We understand from the numerous e-mails and calls between TekLinks and PreSys that PreSys has not been paid by Simon and intends to withhold payment until Simon remits payment for the equipment incorporated into its mall projects. While we understand your issues with Simon, TekLinks' contract is with PreSys and expects to be paid regardless of whether or when Simon pays PreSys.

This letter is a demand for immediate payment of \$563,861.67, plus interest, owed to TekLinks. If such payment is not received in full by TekLinks by **Monday, June 22, 2015**, you are hereby notified that TekLinks will pursue all legal rights and remedies available, including, without limitation, the commencement of litigation against PreSys and pursuing liens against the Simon construction projects as appropriate. We have copied Simon on this demand to alert the company of TekLinks' intended action.

Neither this letter nor any statement by or on behalf of TekLinks shall constitute a waiver of any rights of TekLinks at law or in equity.

Thank you for your attention to this matter. Please do not hesitate to contact me if you have any questions.

Very truly yours,



M. Beth O'Neill

MBO/srp

cc: Simon Property Group, Inc., General Counsel (via certified mail)  
Rob Mills, TekLinks CFO  
Melissa White, TekLinks

MAYNARD  
COOPER GALE

{03271048.2}

**SCHEDULE**

**(Spreadsheet of Invoices and Balance Due attached)**

(attached hereto)

**MAYNARD**  
COOPER GALE

{03271048.2}

Invoice #	Customer ID	Document #	Date Invoiced	Date Due	Days Past Due	Amount Billed	Amount Paid	Balance Due	Interest @ 1.5%	Total Due	Payment Address
57768	AAA074685	12/16/2014	1/15/2015	145	345,698.88	11,969.98	43,579.55	290,149.35	21,035.83	311,185.18	103 Confederate Drive, Suite 2, Franklin, TN 37064
58895	AAA078868	3/3/2015	4/2/2015	68	95,399.60	-	-	95,399.60	3,243.59	98,643.19	103 Confederate Drive, Suite 2, Franklin, TN 37064
59284	AAA080593	4/20/2015	5/20/2015	20	63,758.53	-	-	63,758.53	637.59	64,396.12	101 Forest Crossing Blvd, Suite 107, Franklin, TN 37064
TRY & BUY	AAA077227				89,637.19	-	-	89,637.19	-	89,637.19	103 Confederate Drive, Suite 2, Franklin, TN 37064
		\$ 594,494.20	\$ 11,969.98	\$43,579.55	\$538,944.67	\$	24,917.00	\$563,861.67			

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